

Application no. 10/699,915

**REMARKS**

Reconsideration and continued examination of the above-identified application are respectfully requested.

The amendments to the claims further define what the applicants regard as their invention and/or are editorial in nature. Full support for the amendments can be found throughout the present application. Accordingly, no questions of new matter should arise, and entry of the amendments is respectfully requested.

Claims 1-17 remain in this application after this amendment is entered. Claims 1, 6, 9, 15 have been amended. Claims 18 and 19 have been canceled. New claims 20 and 21 have been added.

Claims 1-17 are rejected under 35 U.S.C. § 112 ¶1, because the Examiner objected to previously added step e) in claim 1 and step g) in claim 9. Claims 1 and 9 have been amended to remove the objected steps. Hence, Applicant requests that this rejection be withdrawn.

Claims 1-2 and 5-8 stand rejected under 35 U.S.C. § 103 over the hypothetical combination of EP 0 496 545 A2 in view of newly cited U.S. patent no. 4,243,696 to Toth. Applicant respectfully traverses this rejection.

One of ordinary skill in the art would not combine the EP'545 reference with the Toth reference, because these references are not related to each other. EP'545 relates to a continuous process of making glass-fiber reinforced resin plates, which are then applied to a target surface. Toth does not at all relate to glass-fiber reinforced resin plate or to a continuous process. Instead, Toth discloses a method of applying a mixture, which may contain resin and fillers directly to the target surfaces, which are construction elements, such as tennis courts' concrete surface, stair treads, swimming pool decking, corridor floor panels, walkway panels, ladder treads and steps (Toth, col. 1, lines 12-17). The fact that the EP '545 reference and the Toth reference are non-analogous art is underscored by their different international classifications. EP '545 belongs to international class B29C, while Toth is classified in international class B05D.

Additionally, EP '545 requires that the additional design and structural elements are added during the fabrication process (col. 1, lines 48-53 and col. 2, lines 4-8). Hence, EP '545 teaches away from Toth, which teaches the addition of the mixture after the fabrication process.

Application no. 10/699,915

Furthermore, Toth requires that the constructional surfaces be specially prepared by cleaning or mechanically/chemically etching before the mixture is applied (col. 2, line 67 to col. 3, line 4). Toth further suggests priming with a base coating before the application of the mixture (col. 4, lines 36-39, claim 2). This disclosure teaches away from EP '545, which does not require any special prerequisite steps before the resin and fillers are added.

Moreover, another reason that EP '545 cannot be combined with Toth is that EP '545 teaches adding *uncured* materials (col. 6, lines 12-14) and Toth teaches the addition of *cured* materials, i.e., dry powdered resin. Additionally, the surface on which the mixture of resin and fillers is deposited are very different: in EP'545 that surface is glass-reinforced resin plate and in Toth that surface is constructional surface.

Hence, Applicant submits that the hypothetical combination of EP'545 and Toth is improper. And as discussed in the first Amendment, EP'545 alone cannot anticipate or renders claim 1 obvious. The discussion in first Amendment directed to the patentability of claim 1 over EP'545 is incorporated herein by reference in its entirety.

Hence, claim 1 is patentable over EP'545 and over the hypothetical combination of EP'545 and Toth.

Claims 2 and 5-8 are dependent directly on claim 1 and recite further limitations therefrom. Thus, these claims are also patentable. Specifically, claim 6 has been amended to recite that cooling air is supplied to accelerate the cooling-down step. This is in addition to cooling in free convection in air. Support for this amendment can be found on page 7, lines 24-27 of the present specification. Neither EP'545 nor Toth teaches an acceleration of the cooling-down step.

Claims 9-11 and 14-17 stand rejected under 35 U.S.C. §103(a) as being obvious in view of EP'545 in view of U.S. patent no. 4,689,259 to Miller, Jr. et al. Applicant respectfully traverses this hypothetical combination.

One of ordinary skill in the art would not combine the EP'545 reference with the Miller reference, because these references are not related to each other. Above all, Miller relate to a decorative plastic floor tile, which has a translucent wear layer 14 covering particles 8. In other words, particles 8 are not exposed. Additionally, the surface of the tiles in Miller is modified subsequent to finishing the tile. Contrary to Miller, EP'545 teaches that the modification of surface properties is carried out during the fabrication process. The international classifications of EP'545 (B29C) and Miller (B32B) are also different.

Application no. 10/699,915

Applicant submits that the hypothetical combination of EP'545 and Miller is improper. And as discussed in the first Amendment, EP'545 alone cannot anticipate or renders claim 9 obvious. The discussion in first Amendment directed to the patentability of claim 9 over EP'545 is incorporated herein by reference in its entirety.

Hence, claim 9 is patentable over EP'545 and over the hypothetical combination of EP'545 and Toth.

Claims 10, 11, and 14-17 are dependent directly on claim 9 and recite further limitations therefrom. Thus, these claims are also patentable. Specifically, claim 15 has been amended to recite that cooling air is supplied to accelerate the cooling-down step. This is in addition to cooling in free convection in air. Support for this amendment can be found on page 7, lines 24-27 of the present specification. Neither EP'545 nor Toth teaches an acceleration of the cooling-down step.

Claim 3 is rejected under 35 U.S.C. §103(a) as being obvious in view of EP'545 and Toth, in view of U.S. patent no. 4,243,719 to Holmes. Claim 3 depends on claim 1 and recites further limitation therefrom. Hence, claim 3 is presently patentable.

Claim 12 is rejected under 35 U.S.C. §103(a) as being obvious in view of EP'545 and Miller in view of Holmes. Claim 12 depends on claim 9 and recites further limitation therefrom. Hence, claim 12 is presently patentable.

New claims 20 and 21 depend on claims 1 and 9, respectively and recite further limitations therefrom. Additionally, these claims recite that in the heating step d), the base materials are when heated uncovered after the addition of resin and sand. EP'545 specifically teaches that a cover layer 38 is re-applied on the base materials before the second and final heating step. Hence, these claims are also patentable.

In view of the foregoing remarks, the applicants respectfully request the reconsideration of this application and the timely allowance of the pending claims.

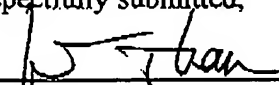
If there are any other fees due in connection with the filing of this response, please charge the fees to Deposit Account No. 50-1980. If a fee is required for an extension of time under 37 C.F.R. § 1.136 not accounted for above, such extension is requested and should also be charged to said Deposit Account.

Application no. 10/699,915

The Examiner is respectfully requested to contact the undersigned by telephone should there be any remaining questions as to the patentability of the pending claims.

Respectfully submitted,

Date 10-17-2005

  
H.T. Than

(Reg. No. 38,632)

The H.T. Than Law Group  
1010 Wisconsin Avenue, NW, Suite 560  
Washington, DC 20007  
(202) 363-2620